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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,504	06/07/2001	Philip H. Burrus IV	EN11309	9312
7590	03/15/2004		EXAMINER	
Motorola Energy Systems Group Intellectual Property 1700 Belle Meade Court Lawrenceville, GA 30043			LASTRA, DANIEL	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/876,504	BURRUS, PHILIP H.
	<b>Examiner</b>	<b>Art Unit</b>
	DANIEL LASTRA	3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 07 June 2001.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-16 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a))

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.

- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_.

Art Unit: 3622

1. Claims 1-16 have been examined. Application 09/876,504 (ELECTRONIC COUPON AND CUSTOMER DATA ACQUISITION APPARATUS AND METHOD) has a filing date 06/07/2001.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Electronic savings card system is not defined and does not perform intended use of electronic savings.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Freeman et al (U.S. 6,450,407).

As per claim 1, Freeman teaches:

An electronic savings card system, the system comprising a portable electronic device having unique personal identification data stored therein (see column 12, lines 17-22; column 14, lines 35-47; column 12, lines 3-9).

As per claim 2, Freeman teaches:

The system of claim 1, further comprising a store register (see figure 2, item 116; column 19, lines 15-25; column 7, lines 7-38).

As per claim 3, Freeman teaches:

The system of claim 2, wherein the portable electronic device transmits the personal identification data to the store register (see column 14, lines 35-50; column 16, lines 5-15).

As per claim 4, Freeman teaches:

The system of claim 3 wherein the portable electronic device comprises a cellular telephone (see column 8, lines 20-35; column 10, lines 15-32).

As per claim 5, Freeman teaches:

The system of claim 4, wherein the store register discounts a price of a product as a result of receiving the unique personal identification data (see column 7, lines 7-24).

As per claim 6, Freeman teaches:

A method of acquiring customer data, the method comprising the steps of:

- a. providing a portable electronic device having unique personal identification data stored within, wherein the portable electronic device comprises a means of

Art Unit: 3622

transmitting the unique personal identification data (see column 14, lines 35-50; column 16, lines 5-15);

b. providing a store register capable of receiving the unique personal identification data (see column 8, lines 21-34; column 10, lines 15-31);

c. transmitting the unique personal identification data from the portable electronic device to the store register (see column 10, lines 15-31); and

d. discounting a price of at least one product upon receipt of the unique personal identification data (see column 7, lines 7-24).

As per claim 7, Freeman teaches:

The method of claim 6, further comprising the steps of:

a. providing a central computer (see figure 1);

b. transmitting the unique personal identification data to the central computer (see column 14, lines 35-50; column 16, lines 5-15) and

c. cross referencing the unique personal identification data with a stored data profile (see column 13, lines 44-55).

As per claim 8, Freeman teaches:

The method of claim 7, further comprising the steps of:

a. transmitting product data from the store register to the central computer (see column 14, line 64 – column 15, line 12); and

b. storing the product data with a cross-reference to the unique personal identification data (see column 14, lines 64 - column 15, line 15).

As per claim 9, Freeman teaches:

The method of claim 7, wherein the product data is used for inventory management (see column 15, lines 1-12).

As per claim 10, Freeman teaches:

A method of acquiring customer data, the method comprising the steps of:

- a. providing a store register capable having unique store identification data stored within, wherein the store register comprises a means of transmitting the unique store identification data (see column 7, lines 7-38);
- b. providing a personal electronic device capable of receiving the unique store identification data (see column 10, lines 15-33);
- c. transmitting the unique store identification data from the store register to the portable electronic device (see column 7, lines 7-38); and
- d. discounting a price of at least one product upon successful transmission of the unique store identification data (see column 7, lines 35-38).

As per claim 11, Freeman teaches:

The method of claim 10, further comprising the steps of:

- a. transmitting the unique store identification data from the personal electronic device to a remote computer (see column 14, line 35 – column 15, line 12);
- b. transmitting customer data from the personal electronic device to a remote computer (see column 14, line 35 – column 15, line 12); and
- c. transmitting product data from the personal electronic device to a remote computer (see column 7, lines 8-37; column 10, lines 15-33).

As per claim 12, Freeman teaches:

The method of claim 11, further comprising the steps of:

- a. processing the unique store identification data, the customer data and the product data (see column 7, lines 7-38; column 14, line 35 – column 15, line 12); and
- b. producing a report with the unique store identification data, the customer data and the product data listed in an organized format (see column 14, line 64 – column 15, line 12).

As per claim 13, Freeman teaches:

The method of claim 12, wherein the personal electronic device comprises a cellular telephone (see column 8, lines 20-34; column 10, lines 15-33).

As per claim 14, Freeman teaches:

The method of claim 13, wherein the store register is linked to at least one other store register via a network (see figure 1).

As per claim 15, Freeman teaches:

The method of claim 14, further comprising the step of distributing advertising literature based upon the report (see column 14, line 63 – column 15, line 12).

As per claim 16, Freeman teaches:

The method of claim 14, further comprising the step of using the report for inventory management (see column 14, line 63 – column 15, line 12)

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Art Unit: 3622

- Kolls teaches a private, public or cellular phone with access to the Internet for the purposes of transacting e-mail, e-commerce, and e-business.
- Fajkowski teaches a system for electronic management redemption of coupons.
- Trend teaches a cell phone that can be used to redeem coupons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 703-306-5933. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W STAMBER can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra  
March 2, 2004

Mike

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